

plans that these people have for American patent protection. While my legislation has not been permitted to come to the floor for a vote, there is another piece of legislation that went through Mr. MOORHEAD's committee. It was a piece of legislation that only had two cosponsors. It was H.R. 1733. The American people should know what was in this piece of patent legislation.

This piece of patent legislation, which Mr. MOORHEAD already had hearings on in his subcommittee, states the following: That if someone files for a patent, an American inventor files for a patent, even if it is not issued, after 18 months that patent will be published for the world to see.

Is there anyone who cannot see the implications for this? This is the equivalent of erecting a huge neon sign over the American Patent Office saying to the rest of the world, "Come and steal America's technological secrets." Because even before the patent is issued, it will be published, and I can tell you the Japanese and the Chinese and everybody else who want to copy American technology, will be in line at the Xerox machine in order to get their copies, and then running back to their offices to use the fax machine in order to get those plans to their own industrial leaders to copy America's technological genius. We are talking more than a ripoff here. We are talking about wholesale robbery of America's inventions. We are talking about an invitation by our Government to do so.

What will this mean to the American people? What it will mean is that American workers, who have always enjoyed the competitive edge because we have had the machines that permitted us to work better and to produce more than the competition who might have had workers that would work for lower wages, slowly but surely you will see our competitive edge erode, and the standard of living of our people, now in decline, will turn into a tailspin.

I say to you today that we owe it to the American people to see that our country remains the No. 1 technological power in the world. What that means is we owe it to our inventors and our investors to provide them an incentive to invest their time and their resources in the technologies we will need to maintain the standard of living of our people.

This is a difficult issue to understand. But what should not be difficult for people to understand is there are forces in this world today that not only do not care about the standard of living of the American people, but see it as a negative, because the standard of living of the American people gives high hopes to their own people. The other people, people in other countries, want to live at higher standards of living because the American people do.

We should not be destroying the American dream for the citizens of the United States. We should be extending the American dream so that people ev-

erywhere, in every country, know that they too, with freedom and technology, can improve their lot and provide for their families.

We stand at a crossroads because we are in a new era of human history. The cold war is over. We are now entering an era of global competition. It is imperative that we restore the patent rights of the American people, because in this new era of global competition, our very lives and our standard of living depend upon it.

I would ask my colleagues to join me in supporting 359, and would ask that the subcommittee chairman who is holding this bill up permit it to come to the floor; and if he opposes it, to honestly state his opposition, but to let the rest of the Members of Congress have a say and let them express themselves as well, and give the Members of Congress a chance to vote up or down in front of the American people on this issue, that may be complicated, but is so vital to the standard of living and maintaining the well-being of our citizens throughout this country.

IN DEFENSE OF FREEDOM

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. POSHARD] is recognized for 60 minutes as the designee of the minority leader.

(Mr. POSHARD asked and was given permission to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, this week we will be debating and voting on a constitutional amendment to allow the States to prohibit desecration of the American flag. We have many important items on our agenda this week and time for debate will be short so, therefore, I would like to address this issue today, and I would like to do so, at least in the beginning, from a historical perspective.

Our Founders, the people who settled this country, were men and women of great faith. They came to this country and lived here for a long while under the edict of the King of England. They came here to escape the suppression of their freedoms, but found as colonists they were still under the control of the King. They were not free to speak their minds, to criticize the government. They were not free to assemble, to discuss their problems, because the government, the King, was afraid it might end up being a grievance against him.

They were not free to choose their own religious beliefs according to the dictates of their conscience. They worshipped in the Church of England, or they did not worship at all. The Church of England had the official blessing of the state. The church and the state had formed an alliance linking themselves together, so the church never had to fear the loss of parishioners to other faiths, and the state could continue to control the people through the church.

Newspapers were not free to criticize the government, or they would be shut down. The government, if they even suspected a citizen of criticizing them, even in private, could take a citizen from his home in the middle of the night, charge him with sedition against the government, and that citizen could be jailed or punished without ever having been allowed a trial. Time and again, they tried to confiscate the firearms of the citizens because they feared an armed protest against the government.

In short, the people were not free. Government controlled their lives in attempts to force its will upon the people.

As it is always true whenever a government attempts to force its will on the people, the people rebelled. They sent their representatives to Philadelphia to form the First Continental Congress, and that Congress decided to throw off the bonds of slavery that bound them to England. They declared their independence, raised an army, made George Washington its commander, and, in their own revolution, won their freedom from the oppressive Government of England.

After the Revolutionary War they went back to their individual States and a great debate arose as to whether or not they should even form a national government. They so distrusted a central government and its potential for ruling their lives that when they thought of a national government, all they could remember was oppression.

But there were certain national issues that had to be dealt with. Foreign trade had to be considered, paying off their war debts, and so on, and so they sent their representatives back to Philadelphia to form a Second Continental Congress, and it was this Congress that had the task of putting together a new government. They wrote a Constitution of the United States of America.

Notice how they said the "United" States of America. Before, they were not so united. They had operated under the Articles of Confederation, which gave great powers to the individual colonies. They had vast disagreements between themselves, and this new government was their attempt at becoming united.

The Constitution they had written said this new government would consist of three branches. No. 1, the legislative, would be elected from among the people to make the laws; No. 2, the executive, would be elected by the people to execute the laws; and, No. 3, the judicial, would be appointed by the executive and approached by the legislative, and they would judge and interpret the laws.

The judicial, the Supreme Court, was appointed for life, because the Founding Fathers knew that if the Supreme Court had to be subjected to the popular opinion of the people every so many years just to keep their jobs, they may do as many members of the legislative

branch do and vote the popular thing, rather than the thing they believe to be right. So they said this sacred trust of judging the law is so important, that we will remove this branch from political pressure.

They took this Constitution that they were so proud of back to the people of the Thirteen Colonies to be ratified, to be approved. They said to themselves, "Boy, this will be a snap. The people don't have to worry about a king. They get to elect two of the three branches of government. Many rights are reserved for the states. This is the perfect government." And they must have sighed a sigh of relief. It had been a long struggle, fighting the war, putting this new government together. Now all it needed was the people's stamp of approval, and that would be easy.

But the people said, "No, no, not so fast. Sure, this is a form of government with which we agree. It allows us to participate. But we just got rid of oppression, and this Constitution doesn't say anything about our freedom." And the people said, "Wait just a minute. We want our basic freedoms guaranteed in writing, or we don't approve this government at all." The Founding Fathers, being men of great faith, some of them ministers, sat down to amend this Constitution, to guarantee the people these rights, their freedoms. They wrote 10 amendments to the Constitution, which have become known as the Bill of Rights, and for over 200 years of America's existence the Bill of Rights has remained unchanged, unamended, unaltered.

I will not mention all of the freedoms articulated in the Bill of Rights, but here are just a few: Freedom of speech, assembly, religion, press, a fair and speedy trial before our peers, the right to bear arms, not having to testify against one's self, protection against unreasonable search and seizure.

But we must speak not only of freedom, but of faith, for the two are in inextricably bound together. Nothing will bolster your faith more than to read the personal accounts of these great men of faith in their struggle with the concept of freedom.

My understanding over the years of my own faith has been bolstered by my understanding of their concept of faith and freedom. In 1990, when this issue was before the Congress, I was struggling to try to make some sense out of it, and I took my family up to Gettysburg for the weekend. Being from Illinois and representing a couple of the same counties Mr. Lincoln represented when he was in the Congress, I have been a Lincoln scholar my entire life.

As I walked over that great battlefield, I was reminded of his words on the day he dedicated that field. He started his address with these words: "Four score and seven years ago, our fathers brought forth on this continent a new nation."

Now, the importance of that opening is this: Four score and seven years ago

did not take them back to the Constitution and the Bill of Rights drafted in 1787. Four score and seven years took them back to 1774 and the Declaration of Independence. Mr. Lincoln considered the Declaration of Independence to be the founding document of this Nation, the document that bound us together as one Nation.

And what was the premise of this Declaration of Independence? Let me state it for you again in Mr. Jefferson's words: "We hold these truths to be self-evident, that all men are created equal, and are endowed by their creator with certain unalienable rights, and that among these are life, liberty, and the pursuit of happiness."

Listen to this again. "We hold these truths," not falsehoods, but universal principles, givens, "* * * to be self-evident." They do not need to be pointed out or proven or justified. Some things are so true that any reasonable examination of the conscience would reveal the evidence of their truthfulness. And what is this true that should be so self-evident? That all men are created equal and endowed with certain unalienable rights.

Created equal? How? Well, certainly not by position, or power, or influence, or even physical or emotional or mental capacity, but equal in the eyes of the Creator with regard to love and respect for their being, and equal in the eyes of the law.

And what are these unalienable rights, these rights that cannot be taken away? Life, not death; liberty, our freedoms; and the pursuit, not the guarantee, the pursuit of happiness.

And who endows us with these rights? Does man? Does the State? No. The founding document of our country says we are endowed those rights by our Creator. Government cannot endow us with these rights. Government can only affirm or deny what is already given to us just by virtue of being created by God.

President Kennedy spoke of this in his inaugural address, when he said, "These same revolutionary beliefs for which our forefathers fought are still at issue around the globe today. The belief that the rights of man come not from the generosity of the state, but from the hand of God." He went on to say that we dare not forget today that we are the heirs of that first revolution.

President Lincoln, in the Gettysburg Address sought to affirm by the Government what the Creator had endowed all of our people, equality before the law. The Bill of Rights, which our Founding Fathers penned some 13 years after the Declaration of Independence, sought to articulate some of those God-given rights of life, liberty, and the pursuit of happiness in a more concrete fashion, and so they guaranteed with some specificity what God had already granted, given by virtue of creation.

Now, why do I speak of our country's historical beginnings, and especially

those beginnings with respect to our rights given to us by the Creator and acknowledged so by both the Declaration and the Constitution? Because of this reason: This week we will be debating and voting upon a constitutional amendment to make it a criminal offense for anyone to desecrate the American flag.

Some will argue that we should not pass this amendment for various reasons. One, how do you define desecration? Some believe wearing clothing, ties, shirts, and so on that resemble the flag is a form of disrespect and constitutes desecration. Others believe lack of respect by not standing or sitting when appropriate desecrates the flag. Still others believe that burning or walking on the flag is desecration.

Many argue the mere act of defining desecration creates a legal nightmare for enforcement of such a law. Others point out that millions of dollars spent trying to pass and ratify this amendment by three-fourths of the States could better be spent on veterans' health care and other necessities of our people.

Most agree that the flag is held in higher respect today than at almost any time in our history, as witnessed by only a scattered number of flag desecrations among our Nation among 260 million people, as well as the tremendous outpouring of flag displays in our country at this time. And many wonder aloud why this is even an issue, with all the seemingly complex, almost unsolvable problems facing America today.

Others will say, "This flag is mine. I earned my money. I went down to the corner hardware store. I purchased this flag with my money. It is my private property, and government won't tell me what to do with it."

But I want us to consider this issue in the light of our beliefs that our rights are God-given, what that means to us as a people and a nation, and whether we actually believe that as a principle anymore. Let me say again that we must speak here not only of freedom, but of faith, for the two are inextricably bound together.

This is what I believe, and I believe it is entirely consistent with the beliefs of our forefathers who penned this precious Bill of Rights, and I believe it is consistent with the words of my own Bible. If we are to examine the nature of the freedoms or rights which God has given us, then we must examine the nature of God Himself.

This is what I believe. God is love, unconditional love. He created us as an object of His love because love needs an object upon which to lavish itself. God needed us, so He could love us, so He created us in His image so that He might love us and fellowship with us and so that we might love Him in return.

The Bible says we love because He first loved us. Our response to Him, our purpose for being, is to learn to love in

the way that He loves us, unconditionally; to love others, but especially to love Him.

God wants our love. But the great loving merciful heart of God knew something from the beginning. He knew even before He created us that if we were going to learn to love as He loves, He had to give us the freedom not to love.

God is God. He is sovereign. He could have created us with no choice, no freedom to choose to love or not to love. He could have demanded our love, our respect. He is God. But He knew that love that is not freely given cannot be real, if we have no choice. He knew that we could learn to love only if we are free. Even our love for God must be freely given. He will never force you to love Him. So God, creating us as the object of His love, gave us a free will to love or not to love, to respect or not to respect. He even gave us the freedom not to love Him.

I am confident our Founding Fathers understood their faith in these very terms. They understood that the great loving heart of God was grieved when His children chose in the free will that He Himself had given them, to hate Him, to despise Him, to sin against love. But they also understood that God continued to love, that He continued to be patient with His rebellious children, that He had faith that eventually love would win them over. And our forefathers said, to the extent possible, we will model this government upon the principles of our faith, the principle that we will allow our people the free will to choose, to choose to love or not to love, to care or not to care, to respect or not to respect, and we will have the faith to believe that in their freedom they will choose to love. But, in any case, we will not demand it, we will not command it; we will have faith in love winning the hearts of our people.

This issue before us this week goes to the heart of that fundamental belief of allowing free will with regard to the issue of respect and love.

□ 1300

Of course there are limitations upon the individual citizens' free will with respect to the endangerment of the safety, or health, or welfare of our fellow citizens, but these issues do not touch upon the heart of this matter which is criminalizing the manner in which an individual chooses to differ with his or her government.

Do we want to criminalize an act of free will when it comes to dissent against the Government? Do we really believe that Government can legislate love and respect? Remembering that the most precious right any American has is the right to speak out against the Government when they feel in their hearts that Government is no longer responsive to their needs.

It is only the right to dissent which keeps the Government in line and when that right of the citizen is diminished,

then the power of Government to control grows proportionately.

However, those who propose this amendment will say, there are a hundred ways to show your dissatisfaction with the Government.

You can march, you can show up at a town meeting and blast your Congressperson, you can organize rallies, you can write letters, you can vote.

You do not have to desecrate the flag to show your disagreement, and if you do, we are going to punish you.

But what if a citizen is so in disagreement with this Government over an action it has taken which he feels is morally and ethically wrong and he chooses to emphasize that disagreement in the most emphatic way he knows how, not by the sacrifice of a few hours time marching or writing a letter or going to a town meeting, but by taking the most precious possession he owns, the American flag, and sacrificing it at the feet of his Congress in protest of his Government?

The question is, Shall we limit dissent against an overbearing Government to just those ways that do not matter much, to just those ways of which the Government approves?

Justice Jackson wrote words especially relevant here in Board of Education versus Barnett in 1943. He said, and I quote:

The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not occur to us.

This principle of sacrificing that which is most precious occurred to me for the first time as a young man when I was growing up. I asked the pastor in my church "Why did God have to sacrifice the most precious thing he owned, his Son, as a protest against sin, so we may be forgiven? Why could he not have sent something that was not so precious, a cow, a goat, a bull, something else? Why was it necessary to sacrifice his most precious possession?" The pastor said to me "Because sacrificing something less precious would not have gotten the job done."

I believe it should be the purpose of the flag, as it is the Constitution, to invite respect and love, but not to command it, because that violates the free will of the individual and love and respect not freely given cannot be real.

It is only the insecure that demands and commands love. That is why dictators all over the world must have ar-

mies to keep them in power. But do their people really love a government which demands their respect at the point of a gun? Have the events in Eastern Europe the last few years taught us nothing?

America is secure, not because we have an army to defend the Government, but because we have a Constitution, a Bill of Rights, to defend the people against the Government, but because we have a Constitution, a Bill of Rights, to defend the people against the Government.

We will remain secure not by suppressing the free will of the people, regardless of what national or political purpose we believe that serves, but by allowing the free will of every single citizen to love or not to love.

If a country is big enough to say to its people, "I love you and I want you to love me but I give you the right not to love if that's what you choose. I'm never going to stand over you with a machine-gun in my hand and force you to care for me, even though it is your care that I need. You are free to love or not to love, to care or not to care, to respect or not to respect."

If a country is that big in its heart, that secure in its being, that loving in its respect for its own people, what choice do you think the people are going to make, to love or not to love?

We have nothing to fear. Neither America nor the flag is in any danger, as long as the precious Bill of Rights, which gives both their meaning and purpose, stays as it has for the past 200 years, unamended. Listen to the words included in the first amendment one more time; Congress shall make no law abridging the freedom of speech.

In 1990, when I was struggling with the previous flag amendment vote, I wrote this piece of prose which I called "Family Matters."

Glenn?

Yes?

It's God.

Yes?

Still struggling?

Yes.

What's the problem?

The problem is I'm nearly 45 years old, and I'm still filled with questions about purpose and meaning and who you are. Who are you anyway?

I'm love. Unconditional love.

Who am I?

You're the object of my love. I created you because I needed you. Love must have others upon which to lavish itself. It creates only that it may love more and I love all of my creation.

What's my purpose for being then?

To learn to love unconditionally. To learn to love me and others in the same way I love you.

Why should I have to learn that? You're God. Why didn't you just create me in such a way that I loved you automatically?

Because love cannot be commanded. How can I be sure you really love me, or your neighbor, if you have no choice? I created you to be free, free to choose, because it is only in your freedom that you can truly learn to love.

But what if I choose not to love you?

That is the risk love takes. It is always the hope of love that the one upon whom love

spends itself will freely choose to return that love. But in any case, it can never demand love be returned.

What will you do then if I choose not to love you.

I will continue to love you. I will wait. I will trust. Love never fails.

Glenn?

Yes.

It's Thomas.

Yes?

You walked over to my memorial last night.

Yes.

Why?

Because I'm struggling with a decision on a constitutional amendment to alter the Bill of Rights, and I need some help.

What's the problem?

Some people burned our flag and the country's upset. The President and several members of Congress want to forbid the practice.

What do you want to do?

I don't know. I'm torn. I'm a history teacher. I've taught the Bill of Rights and the Constitution to hundreds of young people. I've emphasized the importance of those freedoms that you and others penned in that precious document. I've told those children that these freedoms cannot be compromised. But now we have this issue with the flag. I love the flag. It symbolizes all those freedoms the Bill of Rights guarantees. Couldn't we make just this one exception? Couldn't we forbid just this one way of dissent? Couldn't we pass just this one amendment?

Would you be willing to pass a second constitutional amendment forbidding the burning of the Bill of Rights?

No, that's not an issue. Nobody thinks about the Bill of Rights. We see the flag a hundred times a day. It's so visible.

You mean the symbol has become greater in the mind of the people than the substance behind the symbol? How did that happen? You were a teacher, not to mention a State Senator and now a Congressman.

Well, what do I do now?

Maybe you start teaching again, as a Congressman. And trust the people to understand. It's the only way to insure that you leave your children no less freedom than we left you.

Dad.

Yes.

I hate this place.

Why?

For lots of reasons. Your stupid rules that say I have to be in by midnight. You won't buy me a car. I'm sick of church every week and it's silly activities. There's a lot more. I . . .

But we feel those things are best for you. It's only because we love you that . . .

Well, I don't love you. Right now I don't love you at all. As soon as I'm eighteen I'm out of here.

Glenn?

Yes.

What do we do?

We remember the proverb, "Bring up a child in the way he should go and when he is old he will not depart from it."

Yes.

We love. We wait. We trust.

Are you sure?

Well, I have decided—I am sure. I am sure the American people love this country enough to be able to look past the surface nature of this debate and examine its real meaning. The American people, given the chance, will show they love this country, and there is no need to force them to do it by changing the very document that insures our freedom and invites that love.

And this is the truth. For over 200 years now the faith of our Founding Fathers has been justified because we are still the freest Nation on the face of the Earth and every country in the world yearns for the freedoms in the Bill of Rights.

Every nation has a flag, but only America has a Bill of Rights. For over 200 years now neither the Supreme Court nor the Congress of this Nation has seen fit to change even one small letter in this precious Bill of Rights.

Yes, it is true we have gone through periods of time when rebellious children in disrespect for the great goodness of this country have shown their contempt. They march, they cry injustice, some burn the flag, some join the Communist Party.

In the 1950's, people demanded a constitutional amendment to forbid the Communist Party in this country. In the 1960's and 1970's there were flags burned all across America in the civil rights and Vietnam war protests, and people demanded then a constitutional amendment to protect the flag. Today there are more flags flying in America than ever before in our history. The Communist Party is not even on the ballot in most States, and gets less than one-half of 1 percent in the States where it is on the ballot.

In the last several years, we have had a handful of people out of 260 million arrested for desecrating the flag. Some are demanding now another constitutional amendment to amend the Bill of Rights, to demand that we show respect by not allowing a form of disrespect. The Supreme Court said no, and Congress agreed. I was one of the Members of Congress that agreed.

I believe our Forefathers would have said "Leave them alone. If they are desecrating this flag out of meanness or ill will, rather than honest differences with their own Government, they will reap their own reward. They cannot destroy the Bill of Rights by destroying the symbol for the freedoms the Bill of Rights gives us. Their ideas will never match up to freedom, no matter what they are.

"Leave them alone. The ignorance of their act will show the bankruptcy of their ideas. However, if you take away their free will, even to show disrespect, you will do more injustice to the principles upon which this government was formed than they ever could.

"Just as we in our sins against the Creator end up bankrupt by our rebellion, they will end up the same way in their sins against the Nation. Have faith. Have faith that love and freedom will win. Love never fails."

If we could command respect by the law, we would not need faith, but our Forefathers said that faith will be the foundation of our freedoms, the faith that people, because they are free, will in the end choose to be responsible.

This is the history book from which I taught the principles of Government the Constitution, and the Bill of Rights. This is my Bible, upon whose words I have staked by life.

This Fourth of July, because I will do this week what I think is consistent with my faith, Old Glory for me personally will fly higher and brighter than ever before. God bless America, God bless the Bill of Rights, and God bless our flag.

ON COMPACT-IMPACT AID

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I wish to bring to the attention of this body an issue which combines all of the worst elements of a failed Federal policy in which immigration with huge unfunded mandates and which stands as an exemplar of how to make and break a promise. Mr. Speaker, I am speaking of the Federal Government's failure to compensate the people of Guam for expenses incurred as a result of a treaty we—as the people of Guam—had no part in shaping.

Mr. Speaker, do Members of this body or the citizens of this country know that there are countries in this world, independent nations which have free and unrestricted access to this country?

Mr. Speaker, do Members of this body or the citizens of this country know that there are nationals of other countries who can walk through immigration check points with only an identification card; with no visa, with no passport, with no restriction on their movement or time of stay?

Mr. Speaker, do Members of this body or the citizens of this country know that there are citizens of other countries who can come into the United States and work, receive public assistance and other benefits available to citizens and permanent residents apparently without restrictions?

It is true that citizens of the newly formed countries of the Republic of the Marshalls, the Federated States of Micronesia and the Republic of Palau—all in free association with the United States—can come and have come to the United States, primarily to the State of Hawaii and the Territory of Guam and the Commonwealth of the Northern Marianas. And many have come to work and be productive participants in the economy.

But there is the matter of the Federal Government making a commitment to free access by foreign nationals via a treaty which falls disproportionately on local governments like that of Guam. This is not to many areas of the country where a similar situation has resulted in what we have labeled "unfunded mandates."

This is a serious enough situation, but in the case of Guam—it is far more egregious in its negative impact because of our small size and limited population. And in terms of the issue of the unfunded mandates, the commitment was not made verbally or through